



General Assembly

February Session, 2014

Raised Bill No. 443

LCO No. 2507



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING PESTICIDES ON SCHOOL GROUNDS,
PARKS, PLAYGROUNDS, ATHLETIC FIELDS AND MUNICIPAL
GREENS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-231b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2017*):

3 (a) No person, other than a pesticide applicator with supervisory
4 certification under section 22a-54 or a pesticide applicator with
5 operational certification under section 22a-54 under the direct
6 supervision of a supervisory pesticide applicator, may apply pesticide
7 within any building or on the grounds of any school, other than a
8 regional agricultural science and technology education center. This
9 section shall not apply in the case of an emergency application of
10 pesticide to eliminate an immediate threat to human health where it is
11 impractical to obtain the services of any such applicator provided such
12 emergency application does not involve a restricted use pesticide, as
13 defined in section 22a-47.

14 (b) No person shall apply a lawn care pesticide on the grounds of

15 any public or private preschool or public or private school with
16 students in grade [eight] twelve or lower, except that [(1) on and after
17 January 1, 2006, until July 1, 2010, an application of a lawn care
18 pesticide may be made at a public or private school with students in
19 grade eight or lower on the playing fields and playgrounds of such
20 school pursuant to an integrated pest management plan, which plan
21 (A) shall be consistent with the model pest control management plan
22 developed by the Commissioner of Energy and Environmental
23 Protection pursuant to section 22a-66l, and (B) may be developed by a
24 local or regional board of education for all public schools under its
25 control, and (2)] an emergency application of a lawn care pesticide
26 may be made to eliminate a threat to human health, as determined by
27 the local health director, the Commissioner of Public Health, the
28 Commissioner of Energy and Environmental Protection or, in the case
29 of a public school, the school superintendent.

30 Sec. 2. Section 10-231d of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective January 1, 2017*):

32 (a) As used in this section, ["local or regional board of education"
33 means a local or regional board of education which has an integrated
34 pest management plan for the schools under its control that is
35 consistent with an applicable model plan provided by the
36 Commissioner of Energy and Environmental Protection under section
37 22a-66l and] "school" means a school, other than a regional agricultural
38 science and technology education center, under the control of a local or
39 regional board of education.

40 [(b) On and after July 1, 2000, at the beginning of each school year,
41 each local or regional board of education shall provide the staff of each
42 school with written guidelines on how the integrated pest
43 management plan is to be implemented and shall provide the parents
44 or guardians of each child enrolled in each school with a statement that
45 shall include a summary of the integrated pest management plan for
46 the school. Such statement shall be provided to the parents or guardian

47 of any child who transfers to a school during the school year. Such
48 statement shall (1) indicate that the staff, parents or guardians may
49 register for notice of pesticide applications at the school, and (2)
50 describe the emergency notification procedures provided for in this
51 section. Notice of any modification to the integrated pest management
52 plan shall be sent to any person who registers for notice under this
53 section.]

54 [(c)] (b) On and after July 1, 2000, parents or guardians of children in
55 any school and school staff may register for notice of pesticide
56 application at their school. Each school shall maintain a registry of
57 persons requesting such notice. Notice under this subsection shall
58 include (1) the name of the active ingredient of the pesticide being
59 applied, (2) the location of the application on the school property, (3)
60 the date of the application, and (4) the name of the school
61 administrator, or a designee, who may be contacted for further
62 information.

63 [(d)] (c) On and after July 1, 2000, a local or regional board of
64 education shall provide notice, by any means practicable, to any
65 person who has requested notice under subsection (b) of this section
66 on or before the day that [any] such application of pesticide is to take
67 place at a school. No application of pesticide may be made in any
68 building or on the grounds of any school during regular school hours
69 or during planned activities at any school except that an emergency
70 application may be made to eliminate an immediate threat to human
71 health if (1) it is necessary to make the application during such a
72 period and (2) such emergency application does not involve a
73 restricted use pesticide, as defined in section 22a-47. No child may
74 enter an area of such application until it is safe to do so according to
75 the provisions on the pesticide label.

76 [(e)] (d) A copy of the record of each pesticide application at a
77 school shall be maintained at the school for a period of five years. Such
78 record shall include the information required under section 22a-66a.

79 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) As used in this section:

80 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
81 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
82 antimicrobial agent or a pesticide bait in a tamper-proof container;

83 (2) "Microbial pesticide" means a pesticide that consists of a
84 microorganism as the active ingredient;

85 (3) "Biochemical pesticide" means a naturally-occurring substance
86 that controls pests by nontoxic mechanisms;

87 (4) "Lawn care pesticide" means a pesticide registered by the United
88 States Environmental Protection Agency and labeled pursuant to the
89 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
90 garden and ornamental sites or areas except (A) a microbial pesticide
91 or biochemical pesticide that is registered with the United States
92 Environmental Protection Agency, (B) a horticultural soap or oil that is
93 registered with the United States Environmental Protection Agency
94 and does not contain any synthetic pesticide or synergist, or (C) a
95 pesticide classified by the United States Environmental Protection
96 Agency as an exempt material pursuant to 40 CFR 152.25;

97 (5) "Certified pesticide applicator" means a pesticide applicator with
98 (A) supervisory certification under section 22a-54 of the general
99 statutes, or (B) operational certification under section 22a-54 of the
100 general statutes, who operates under the direct supervision of a
101 pesticide applicator with said supervisory certification;

102 (6) "Controlling authority" means the executive head of the
103 municipal department responsible for the maintenance of a park,
104 playground, other than a playground located on the premises of a
105 school, athletic field or municipal green, or such person's designee.
106 Controlling authority does not include the executive head of any
107 municipal department responsible for the maintenance of any school;
108 and

109 (7) "Athletic field" means any field or open space used for sporting
110 or sporting-related activities, but does not include a golf course or any
111 such field or open space located on the premises of a school or college
112 or that is used for professional sporting or sporting-related activities.

113 (b) No person other than a certified pesticide applicator shall apply
114 pesticide within any park, playground, other than a playground
115 located on the premises of a school, athletic field or municipal green,
116 except a person other than a certified pesticide applicator may make an
117 emergency application of pesticide to eliminate an immediate threat to
118 human health, including, but not limited to, the elimination of
119 mosquitoes, ticks and stinging insects, provided (1) the controlling
120 authority determines such emergency application of pesticide to be
121 necessary, (2) the controlling authority deems it impractical to obtain
122 the services of a certified pesticide applicator, and (3) such emergency
123 application of pesticide does not involve a restricted use pesticide, as
124 defined in section 22a-47 of the general statutes.

125 (c) No person shall apply a lawn care pesticide on the grounds of
126 any park, playground, other than a playground located on the
127 premises of a school, athletic field or municipal green, except an
128 emergency application of pesticide may be made to eliminate an
129 immediate threat to human health, including, but not limited to, the
130 elimination of mosquitoes, ticks and stinging insects, provided (1) the
131 controlling authority determines such emergency application of
132 pesticide to be necessary, and (2) such emergency application of
133 pesticide does not involve a restricted use pesticide, as defined in
134 section 22a-47 of the general statutes.

135 (d) Prior to providing for any application of pesticide on the
136 grounds of any park, playground, other than a playground located on
137 the premises of a school, athletic field or municipal green, the
138 controlling authority shall, within the existing budgetary resources
139 available to the controlling authority, provide public notice of such
140 application not later than twenty-four hours prior to such application

141 of pesticide. Such public notice shall be posted on the Internet web site
142 of the applicable municipality. If a controlling authority determines an
143 emergency application of pesticide to be necessary pursuant to
144 subsection (c) of this section, such notice shall be given as soon as
145 practicable. Notice under this subsection shall include (1) the name of
146 the active ingredient of the pesticide being applied, (2) the target pest,
147 (3) the location of the application of pesticide on the grounds of the
148 park, playground, other than a playground located on the premises of
149 a school, athletic field or municipal green, and (4) the date or proposed
150 date of the application of pesticide. A copy of each notice of such
151 application of pesticide at a park, playground, other than a playground
152 located on the premises of a school, athletic field or municipal green
153 shall be maintained by the controlling authority for a period of five
154 years from the date of application of the pesticide and available to
155 members of the public.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	10-231b
Sec. 2	<i>January 1, 2017</i>	10-231d
Sec. 3	<i>October 1, 2014</i>	New section

Statement of Purpose:

To protect children's health from exposure to toxic lawn pesticides by extending the ban on the use of lawn care pesticides in schools to include schools with students in grades nine to twelve in 2017, and applying current restrictions concerning the application of lawn pesticides at school grounds to the application of pesticides at parks, playgrounds, athletic fields and municipal greens.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]